

REMARKS

This Response is in full and timely response to the final Office Action dated October 31, 2006.

Entry of this Response is proper under 37 C.F.R. § 1.116 since the response: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issues requiring further search and/or consideration; (c) satisfies a requirement of form asserted in the previous Office Action; and (d) places the application in better form for appeal, should an appeal be necessary. The Response is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this response is respectfully requested. Reexamination and reconsideration in light of the following remarks are respectfully requested.

Claim to Priority

The present application claims priority to Japanese Patent Application No. 2000-250376 filed on August 21, 2000. Applicant is in the process of obtaining a certified translation of the priority documents in accordance with MPEP § 706.02(b).

Prematureness

Applicant, seeking review of the prematureness of the final rejections stated in the Final Office Action, respectfully requests reconsideration of the finality of the Office action for the reasons set forth hereinbelow. See MPEP § 706.07 (c).

Claim Rejections- 35 U.S.C. § 103

In the Action, claims 1-52 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,470,378 to Tracton ("Tracton") in view of U.S. Patent Application Publication No. 2001/0027468 to Okura ("Okura") further in view of U.S. Patent No. 7,012,982 to Basch et al. ("Basch"). This rejection is respectfully traversed.

To qualify as prior art, the effective filing date of a reference must be before the date of invention by the applicant for patent. The final Office Action relies upon a new reference, Okura. The effective filing date of Okura is March 7, 2001. The present application claims priority to Japanese Patent Application No. 2000-250376 filed on August 21, 2000. Submission of the certified priority documents will be forthcoming. The effective filing date of Okura is after the priority date of the present application. Okura, therefore, does not qualify as prior art under § 103.

Accordingly, because Tracton and Basch, either alone or in combination, fail to disclose, teach or suggest each and every limitation of independent claims 1, 14, 27, and 40, a *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord.* MPEP 2143.03.

Moreover, aside from the novel limitations recited therein, claims 2-13, 15-26, 28-39, and 41-52, being dependent either directly or indirectly upon one of allowable base claims 1, 14, 27, and 40, are also allowable at least by virtue of their dependency upon one of allowable claims 1, 14, 27, and 40. Withdrawal of the rejection of these claims is therefore courteously solicited.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2196 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By

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